

WHY EMBRACE CIVILITY: WHEN IN-CIVILITY STRIKES YOU.

IN-CIVILITY

- Sullies your reputation and your honor.
- Makes life miserable.
- Adds stress and makes the practice of law intolerable.
- Affects your health and your relationships in the office and at home.
- Increases your work load and the workload of the courts.
- Is much less effective in the end.

CIVILITY

- Improves your standing in the profession and the greater community.
- Improves collegiality, is rewarding and healthy.
- Reduces stress and workloads.
- Produces better results, especially when matters are debatable.
- Takes the burden from the judiciary to set the tone for civility.
- Is a sure sign of genuine leadership.

NOTES:

- Leads to motions, sanctions, and delayed justice.

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1. Know your case.
Understand what you are asked to do with it.
Then:

subject to non-disclosure). Don't make opposing counsel have to ask twice.
2. Start every case with a phone call. To whom?
3. Early on, encourage voluntary compliance and mutual exchanges of material information.
4. Grant good faith extensions of time. But don't enable delay.
5. Organize disclosures and discovery before you send it.
6. Be complete (avoid "will supplement"). Give 'em everything you've got (unless it is privileged or
7. Volunteer to arrange witness interviews and depositions. Take control of the calendar.
8. Conduct litigation in good faith.
9. Avoid unnecessary provocations, unnecessary witness lists, redundant trial exhibits, etc.
10. Never threaten, call names or be profane.
11. Don't show up late.
12. Don't hide the ball. Ever.

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13. Object only in good faith and with reason.
 14. Don't manufacture artificial inconsistencies as proof of a non-existent credibility problem.
 15. Ask only what you need. Answer what is not objectionable.
 16. Don't coach or vouch.
 17. Notify opposing counsel of cancellations early.
 18. Don't ever, without cause, attribute bad motive to opposing counsel.
 19. Don't attribute to opposing counsel a position they have not taken.
 20. If you supervise or are co-counsel, don't ask a person under your direction to engage in uncertain actions.
 21. When drafting motions, read the cases. Avoid string citations that make the judge read voluminous material for no good reason.
- OTHERS:

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- Take a breath. Gain altitude and perspective. Recall you are a servant of justice, the courts, and your client's legitimate needs. Be a noble warrior.
- Contact a supervisor. Many circumstances require it. Get a second opinion.
- If it is a venomous letter or email. Consider meeting personally with opposing counsel. Don't reciprocate.
- If you are a victim of hiding the ball. It can occur through concealment, negligent non-disclosure, intentionally misconstruing a request, or objections posed in bad-faith. Consider: (a) calling counsel to discuss mutual exchanges; (b) meet personally on scheduling and exchanges; (c) request personal inspections.
- Don't return discourtesies and escalate the problem. There's nothing noble in that.
- However, civility does not mean you are a door mat. Make a record. If the discourtesy is from a junior lawyer, contact the partner.
- In trial, make courteous objections. Speak with patience. Avoid cynicism. Suffer your frustrations inwardly, not outwardly. If you must, approach the bench, explain, or request a recess to recompose.
- If not in court, try to resolve disputes without first going to court. Going to court can be a gamble for both sides. Instead, be sure you have a real, and clear, disagreement that is not solvable. And then first seek alternatives.

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